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ABSTRACT

The trend toward more litigation and higher monetary awards in cases of injury of student athletes is a threat to school athletic programs. This document is a workshop aid for addressing legal issues surrounding student athletic activities, in particular, those involving the safety and health of student athletes, injury prevention, and preparation for litigation should injury occur. A quick comparison is given between preparation for a game and for a lawsuit: the steps are identical. Legal definitions and concepts; transparency samples; an outline of a school's legal duties with respect to statutory, common, and case law; and case histories are provided. Practical methods are also presented in overhead format. Sample materials are offered, including a liability-loss-control assessment, athletic-orientation checklist, acknowledgements of warning by parents and by student, warning of the inherent danger of participating in football, athletic-meeting notification to parents, parental delegation of authority to consent to medical or dental treatment for minor child, college athletic-safety policy statement, and gymnastics-safety guidelines. Also included are a hazard-recognition/area-safety self-inspection format, self-inspection program-implementation outline, and safety checklists for activity and play areas where injuries might occur. (RT)

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Athletic Liability

October 14, 2001

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MANAGING LIABILITY IN ATHLETICS AND PHYSICAL EDUCATION

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The contents of this program are considered risk management counseling and not legal advise. If legal advice is required, the services of a professional attorney are recommended.

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Introduction

Why do we have to go to this workshop?

There are several reasons.....

Professionally..... Moral, Legal, and Ethical Duties to
--Protect the safety and health of students and student athletes.
--Perform your job duties in a professional manner..... which include protecting the tangible and intangible assets of the School District

You are held to a standard as a professional, which requires you to attend Continuing Education, in-service, and other training events.

Personally..... Prevention of injuries. Injuries to players can cause them to miss practices and games. It reduces the talent you have to work with, the preparation for the next event.....How can you field your best team when injuries take away your athletes??

You can be named personally in a lawsuit. The accompanying stress, distractions, loss of professional standing and reputation, potential loss of income and assets.....

There is nothing that can be put into print that can prepare you..... if that one catastrophic injury, or a death, occur. How will you go on? How will you deal with the over-whelming guilt....the confusion....the constant....."If I had only known... If I would have.....If I could ....."? It is very difficult to sit here now and imagine that this could happen to any of us. It can happen, it has happened, and it will continue to happen.

The trend in litigation demands that we respond to this threat, and it is exactly that , a threat to athletic programs. The trend is toward more litigations, and higher monetary awards. This is inversely proportional to what is happening regarding injuries..... the number of injuries in comparison to the number of athletes..... is decreasing. The number of athletes has increased, due largely in part to new sports, i.e. soccer, and athletic programs for girls. Through the combined efforts of all those involved in athletic programs, the number of injuries has been reduced. Why

are litigations still on the rise? If we really have made progress in reducing and eliminating the problem of injuries, why are lawsuits continuing to be filed, and continuing to be won? Is there still work to be done? Can we win this battle?

As rational and intelligent humans, we are blest with many attributes, the one that is most important to us here is that we can learn from other events.....we do not have to learn <u>every</u> lesson in life personally. We can gain from the misfortune of others, from events that have happened, to prevent,..... or at least minimize, the potential consequences to ourselves (and our athletic programs) should a similar event happen to us.

Prevention is the obvious best method to employ, based solely on the efficiency and effectiveness of prevention. After-the-fact is certainly less attractive, but we cannot completely discard this method. There is no manual, program, document, system or method that will afford us complete protection. That is not the nature of the world in which we live. Failure to prepare is the preparation for failure. Preparation, through focus on prevention, will afford us protection.

The last point of why you are here is easily summed up by the use of one word.....Opportunity..... Here is the challenge.....

If you knew that an injury was going to occur, and the result would be a lawsuit, What would you want to have done?.....What policy would you want in place, what program, what training, what practice.....all the elements that would provide you with the best possible defense. If you could be completely prepared, what would you have already done? This is your opportunity..... to have this protection in place..... now, before the injury, before the lawsuit.....

Comparison between preparation
for a lawsuit and a game.

Preparation for a game:	Preparation for a lawsuit:
Know the rules	Know the rules
Know your opponent	Know your opponent
Scout your opponent know what your opponent does so that you can stop them.	Scout your opponent know what your opponent does so that you can stop them.
Watch game film	Watch game film
Practice	Practice
Prepare mentally	Prepare mentally
Set a game plan for that opponent	Set a game plan for all opponents
PLAY THE GAME!!!!	PRAY WE NEVER PLAY THIS GAME

C

LEGAL DEFINITIONS AND CONCEPTS

Assumption of risk---Defense to a charge of negligence, where the one injured is held to assume the risk of injury from a known and appreciated danger by proceeding anyway.

Breach---Failure to perform a duty, promise, or warranty.

Case Law---Law based on earlier court decisions.

Common Law---Law developed from custom, tradition and decisions by judges and juries, rather than from written laws.

Statutory Law---Written (Codified) law of Act of a legislature declaring, commanding, or prohibiting something.

Equity---Justice administered by a court according to what is fair.

Duty---Moral or legal obligation, Action or conduct required by one's profession or position.

Damages---Compensation for a loss or injury suffered.

Due Process---A phrase used in the 14th Amendment of the United States Constitution limiting a governments power to deprive a person of life, liberty, or property without notice and to defend oneself---a fair and impartial hearing.

Good Faith---Honest effort and intention.

Legal Liability---Obligation or responsibility for damages for an intentional or negligent act.

Liable---Obligated or responsible according to law or equity.

Foreseeable---Ability to see or know in advance, such that an injury may result from an existing danger.

Negligence---Failure to exercise the standard of care which a reasonable person in the same or similar circumstances would exercise, and which breach causes and injury and damages.

Professional---Person working in a profession for pay, not as a hobby.

Proximate cause---Negligent conduct without which an injury would not have occurred.

Punitive damages---Damages intended to serve as a deterrent to, of to make an example of, the defendant or others for evil behavior.

Reasonable care---That care which an ordinary, reasonable and cautious person would exercise under the same or similar circumstances.

Res ipsa locquitor---"The thing speaks for itself", Expression inferring negligence where the defendant had exclusive control of that which caused the injury and, further, that the injury would not ordinarily happen without negligence.

Respondeat Superior---Expression of law that holds employers responsible for the negligent acts of their employees, such as a school's responsibility for the acts of its teachers and coaches.

Risk---A danger or hazard, such as which a person may <u>knowingly</u> accept, thus preventing recovery for any injury suffered as a result.

Scope of Employment---Responsibility assigned to an individual by superiors or employer.

Tort---Private or Civil wrong or injury, not involving contracts.

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LEGAL THEORIES and DOCTRINES

In loco parentis---"in place of the parent", charged with rights and duties of a parent.

The preceding list of legal terms is provided to promote understanding of the legal processes, which we will now address.

"Parents are beginning to possess an awareness of legal options associated with injuries."

"Accidents are common to humans, especially children. Most injuries are the fault of the injured, not due to negligence of another. There are many situations, however, where harm can be attributed to acts or failure to act of others." (REF. 1)

School Boards, administrators, teachers and coaches are not the sole insurer of a child's safety. Unavoidable accidents far exceed those caused by someone's negligence.

Specifically to athletics....."School authorities owe to those who participate for a school or on school property, the duty to exercise ordinary and reasonable care for their protection and safety.

Schools, however, are not insurers of safety. They will only be liable for injuries where they, or their agents, such as teachers or coaches, fail to meet the required duty."

Do students have a duty to protect themselves? Students have a duty to exercise reasonable care for their own protection and safety. They will assume the risks and dangers ordinarily inherent in a game or sport including a risk of injury from an unforeseeable accident for which no amount of precaution, except elimination of the activity, could prevent injury." (REF. 4)

"When a child is under the care of school authorities, the law requires that these authorities act *in a reasonably prudent or reasonable and prudent manner* under the circumstances."

"The standard of care will vary with the age, maturity, and nature of activity that the child in engaged in." (REF. 4)

"Professional personnel are held legally to a standard of care commensurate with their professional training." (REF. 1)

These three areas, acting reasonable and prudent, providing the necessary standard of care, and the duty to act as a professional, are the basis for many negligence suits. To increase our understanding of negligence and injuries, we will use cases and examples from both athletic and general areas. It is reasonable to believe that duties that have been identified as a result of a classroom injury will no doubt be applied, in a much stricter sense, to the athletic arenas.

REASONABLE AND PRUDENT---This phrase is probably the hardest to strictly define, since it will vary on a case by case basis. What is reasonable in one circumstance may not be in the next. There are, however, certain concepts that will hold true, such as violating safety rules is <u>not</u> reasonable and prudent behavior. "Conduct in violation of a safety rule, if either deliberate, willful, or with reckless disregard for another's safety (malice) may be negligent" (REF 3)

Here is an example of a description of a reasonable person... as one who has "(1) the physical attributes of the defendant himself, (2) normal intelligence, (3) normal perception and memory with a minimum level of information and experience common to the community, and (4) such superior skill and knowledge as the actor has or holds himself out to the public as having". Under this standard, a teacher's conduct is gauged by how a reasonable teacher, who has had special training to assume that role, would have acted in a similar situation. **CAUTION** While this sounds good on paper, it is highly unlikely that a jury of 12 teachers would be selected to sit at a trial where a teacher was the defendant. This example is included to illustrate the difficulty in defining "reasonable and prudent".

STANDARD OF CARE---This phrase is not as elusive of a definition as reasonable and prudent, however, is highly changeable, depending on the situation. The major guidelines are age, maturity, and activity that the child is engaged in.

PROFESSIONAL TRAINING---This is an area that has received much attention, and will continue to in the foreseeable future. This is the area that sets you apart, that takes you out of the crowd and places you in a different position. You will be held to a higher standard of care than someone that has not had the training, education, and experience that you have. There is also one other concept that is of great importance here.....You have been given the public trust..... a trust in you that you will provide a quality educational service for the community.....a trust in you that you will provide a safe environment for the students ..... a public trust in the belief that the children are the single most important and precious resource we have.....a public trust that is seldom paid any attention.....until it is violated, or perceived to be violated. This public trust will not be apparent in the thousands of good deeds that are performed daily in our schools..... it will only become an issue when something bad happens.....an injury, an avoidable, preventable injury.

With these three concepts, we can now proceed to develop a model that we can use to understand what constitutes negligence, and how it can be avoided, and prevented.

NEGLIGENCE---(Defined on page)

A negligent act can be an act, or a failure to act.
An omission or a commission.

Negligence constitutes a question of fact, on a case by case basis.

The Four Elements that prove negligence.
(1) There must be a duty owed.

(2) There must be a breach of that duty.

(3) The breach of duty is the proximate cause of the injury.

(4) An injury must occur, there must be damage of loss.

Real world reality has the events occurring in the inverse order, first the injury, then cause determination, which may reveal the breach of duty, and the duty itself. This however, is not the important matter. What is important is that we determine a method, process, or system to eliminate injuries caused by negligence.

So How?
Remember, <u>all four</u> elements of negligence must be present to prove negligence. If we can eliminate one or more of the elements, negligence can not be proven, and we have accomplished what we set out to do. But which element, or elements, can we eliminate?

(1) Duty owed. NO There is little chance that a duty owed will ever be eliminated. The past twenty years have produced additional duties, not fewer. There is no reason to suspect that duties owed will ever be repealed.

(2) Breach of duty. YES There is a great potential for eliminating the breach of duty, and this is an area that deserves a good deal of attention. Can we really achieve this goal of eliminating the breaches? If so, what effect will it have on reducing negligence?

(3) Breach was proximate cause of injury. YES Go back to the first page of this section....."Schools are not the insurers of the students safety....."

(4) Injury must occur. YES Injury prevention is one of the key elements to eliminating negligence.

We will soon examine these four elements in a conceptual "process", a model to reduce and eliminate negligence, but first, a review of the legal duties involved.

As our concept will illustrate, there are actions we can take to eliminate or reduce our negligence. Before we explore this area, there are two additional points that need first be addressed.

The term "foreseeable" of "foreseeability" has been noted as an integral and key factor of negligence. It has also been identified as a duty. Understanding the term is the important item.

Foreseeability, "the ability to see or know in advance"..... This may appear as a pretty tall order, since we normally can not see into the future. The definition is sometimes tempered with the wording "known or should have known" or "known or should have reasonably known".....The legally acceptable standard is average prudence, not overly cautious or clairvoyant. Another term that has been used in conjunction with foreseeable is "anticipation of consequences".....But the question of HOW do we become experts in "foresight"?

Part of the answer is through education, (basic and specialized) training, (on-the-job, continuous) and experience. As earlier stated, we do not have to personally experience different events to learn from them. Becoming aware of what the latest trends in injuries are, what the newest court decisions are, what are the latest techniques in sports medicine. In other words, become a professional, stay abreast of the latest developments, go to the training sessions, take the positive steps necessary to improve areas that have the potential to cause great problems.

Just as you have a strategy, a plan, a system (an offense, a defense) for playing a game, there is also a system to bring the question of liability and negligence into focus, so that they can be effectively and efficiently dealt with.

A certain amount of time needs to be invested into addressing this issue. It will not go away simply because we don't like it, and would rather deal with other things. The amount of time invested will be of in-calculable value to you if you ever need it. If it is not there and you do need it, what then?????????

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Athletic Liability

October 14, 2001

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Our goal is to apply risk

management techniques to

the school athletic

environment.

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Athletic Liability:

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Examples of Liability Claims

- Failure to give adequate warning
- Failure to enforce rules, procedures, or safety measures
- Failure to provide competent personnel
- Inadequate physical conditions of the playing field, gymnasium, class room, locker room, or spectator environment
- Inadequate safety during transportation
- Negligent instruction in the use and maintenance of equipment
- Negligence in providing proper medical care
- Improper supervision
- Lack of proper safety equipment

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Other Liability Concerns

Awards/Settlements

•New Jersey State Agency is liable under ADA for allowing hostile workplace for employees with learning disabilities. Verdict: $227,000

•Arizona jury awarded a student health director at ASU a verdict of $999,053 plus $645,849 in attorney fees, costs and interest in a wrongful termination whistleblower case.

"Vollen vs.. ASU CV9403404

•NYC Office of the Controller got sued by an applicant who they told was "overqualified". The applicant thought that was code for "too old".

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Obligations

- Legal
- Moral

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Three Primary Components

- Physical facilities
- Curriculum/program
- People

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People

- Administration
- Athletic Directors
- Coaches
- Trainers
- Boosters/Sponsors
- Student Athlete

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Duty to Supervise

- Qualitative
- Quantitative
- Other factors
- Key question

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Duty to Care

- Reasonable and foreseeable
- Children

- General vs. direct supervision
  "Ballard vs. Polly (1975)"

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Duty to Instruct

- Assessment
- Conditioning
- Techniques
- Progression
- Warning

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Physical Facilities

- Space
- Structure
- Surface conditions
- Equipment
- Special

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Curriculum/Program

- Participant
- Scheduling
- Area designation
- Supervision
- Transportation
- Emergency

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Proper Classification

- Document selection strategies
- Know skill level before skill is performed
- Do not segregate on basis of sex
- Do not pair/match by convenience
- Know physical/emotional conditions
- Determine most appropriate matching

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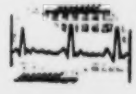
Other Issues

- Sportsmanship
- Heart Checks
- Formalized Program



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Quote to Remember:

"One man practicing good sportsmanship is far better than fifty others preaching it."

Knute Rockne

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What are we teaching and Learning about Sportsmanship?

Education:

- Parents
- Coaches
- Students - Athletes
- Fans

"Add A Tude"

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Heart Screening

Here is a 13- point list of recommendations from the American Heart Association regarding pre-participation screening of school athletes.

1. Family history of premature sudden death (under 50 years of age).
2. Family history of premature heart disease in surviving relatives (under 50).
3. Personal history in the athlete of having a heart murmur.
4. Personal history in the athlete of having hypertension.
5. History of excessive fatigability in the athlete.

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Heart Screening

6. History of syncope (passing out) in the athlete.
7. History of exertional (with exercise) dyspnea (shortness of breath) in the athlete.
8. History of exertional chest pain the athlete.
9. Documentation that a parent or guardian verified the history

Physical items to be included in the examination:

10. Listening for a heart murmur (in lying or sitting and standing positions).
11. Evaluation of femoral pulses.
12. Looking for physical stigmata
13. Measurement of blood pressure

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Elements That Should be Included in an Athletic Safety Plan

- Philosophy/Policy Statement
- Needs Assessment
- Goals and Objectives
- Site and Facility Development
- Program Development
- Supervision
- Establishment of Rules, Regulations, and Procedures

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Elements That Should be Included in an Athletic Safety Plan, cont'd.

- Safety Inspections and Investigations
- Accident Reporting and Analysis
- Emergency Procedures
- Releases, Waivers, and Agreements to Participate
- Methods of Insuring Against Risk
- In-Service Training
- Public Relations
- Outside Specialists, Legal/Insurance
- Periodic Review

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Physical Activity Analysis of Individual Sports

Develop an injury/precaution fact sheet for each sport or physical activity in the recreation program. It should include, but not be limited to the following:

- **Instruction and associated rules/procedures**
- **Safety equipment and/or proper attire**
- **Facility maintenance**
- **Supervision**
- **Types and causes of potential injuries**

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Twelve Legal Duties

1. **Properly instruct**
2. **Warn of inherent dangers**
3. **Provide proper supervision**
4. **Provide a safe environment**
5. **Provide health care**
6. **Enforce rules and regulations**
7. **Classify participants**
8. **Follow due process**
9. **Safely transport students**
10. **Foresee potential dangerous situations**
11. **Maintain records**
12. **Plan activities and events**

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Add A. Tude™ Handbook

Traveling Trophy Program
Sample Rating Sheet for School Administrators

School Administrator: Please fill out and return this form for all league contests (home and away). You are rating the opposing fans, team and personnel only, not your own school/town. If the school does not have cheerleaders, specify **NONE** - **do not insert a rating number**. Thanks you.

Rating is to be done on a scale from 0 to 5.

5 - Excellent 4 - Good 3 - Average 2- Fair 1-Poor 0-Bad

Game Date: _____ Sport: _____
Home Team: _____
Visiting Team: _____

Team Being Rated: _____

The following areas are to be rated:

CHEERLEADERS

1. Personal - appearance and conduct _____ _____

2. Sportsmanship - conduct and attitude towards players and other spectators _____ _____

CHEERING SECTION

1. Courtesy - conduct toward officials in and outside the playing area before, during and after the game _____ _____

2. Sportsmanship - conduct and attitude towards players and other spectators. Observance of game regulations (signs, noisemakers, debris, etc) _____ _____

ADULT FOLLOWERS

1. Courtesy - conduct toward officials in and outside the playing arena before, during and after the game. _____ _____

2. Sportsmanship - Conduct and attitude toward opponents and officials _____ _____

COACH

1. Personal - Appearance and conduct on and off the playing surface and throughout the game. _____ _____

2. Sportsmanship - Conduct and attitude toward opponents and officials. _____ _____

TEAM

1. Personal - Appearance and conduct on and off the playing surface and throughout the game. _____ _____

2. Sportsmanship - Conduct and attitude toward opponents and officials _____ _____

TOTAL POINTS: _____

Administrator's Signature: _____

School Represented: _____

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Add A. Tude™ Handbook

Northwestern Illinois Conference Sportsmanship Rating Form Guidelines

Conference School Played: _____ Date: _____
Event: _____
Submitted By: (circle one) Admin/A.D./Coach Visiting Team Coach Officials

Circle one number on each area: (1-lowest, 5-highest). Place a check mark in front of any problem areas.

Be Courteous to All	
Opposing coaches and players shake hands before/after games	1 2 3 4 5
Applause during the introduction of players, coaches and officials	1 2 3 4 5
Everyone shows concern for injured players	1 2 3 4 5
Fan respect is obvious	1 2 3 4 5
No using of newspapers or turning backs during introductions	1 2 3 4 5
No yelling, waving of arms during opponents servers or shots	
No derogatory yells, chants, songs or gestures	1 2 3 4 5
	1 2 3 4 5
Know the Rules, Abide by the official's decisions	1 2 3 4 5
Utilizes opportunities to promote understanding of the rules	1 2 3 4 5
Players use team captains and coaches for clarification of calls	1 2 3 4 5
	1 2 3 4 5
Official decisions are accepted	
Booing or heckling in unacceptable	
Derogatory remarks are unacceptable	1 2 3 4 5
Cheerleaders lead the fans in a positive manner	1 2 3 4 5
	1 2 3 4 5
Win with Character and lose with Dignity	1 2 3 4 5
Handshakes between opposing players and coaches after game	
Treating competition as a game, not a war	1 2 3 4 5
Applause at the end of the contest for performance of all players	1 2 3 4 5
	1 2 3 4 5
Recognition that the win or loss is not due to the officials	1 2 3 4 5
Appreciation shown for good performance of both teams	
Coaches/players congratulate opponents for performance	
Fans recognize all outstanding performances by applause	1 2 3 4 5

Recognition that the win or loss is due to the effort of the team	1 2 3 4 5
Positive comments are used encouraging teams to perform better	1 2 3 4 5

Permit only positive sportsmanlike behavior to reflect on your school and/or it's activities _____

All in attendance are encouraged to practice good behavior
Poor Sportsmanship is reported to school officials
Administrators help coaches to teach, model and reinforce sportsmanship
Recognize coaches who display sportsmanlike conduct

TOTAL POINTS:

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LEGAL DUTIES

The legal duties associated the operation of a school have been derived from three sources, statutory law, common law, and case law. There have been numerous articles published that address these duties, and depending on the article, they range from 3 to 12 legal duties of an athletic program.

The three legal duties that appear in almost every lawsuit are:

Failure to adequately warn the participant of the dangers involved,

Failure to properly supervise

and, Failure to properly instruct.

#1 Duty to adequately warn the participant.
#2 Duty to properly supervise.
- *General supervision*
- *Specific supervision*

#3 Duty to properly instruct.
- *assess athletes performance*
- *properly condition*
- *teach proper-improper techniques*
- *proper skills progression*

#4 Duty to provide a safe environment
- *Equipment*
- *Facilities*

#5 Duty to Classify athletes
- *skill level*
- *age*
- *size*

#6 Duty to Provide health care
#7 Duty to evaluate players for injury
#8 Duty to enforce rules and regulations
#9 Duty to follow "due process"
#10 Duty to provide safe transportation
#11 Duty to Foresee
#12 Duty to Keep records
#13 Duty to be a professional

Duty to adequately warn the participant of the dangers

This duty has been recognized as one of the most important. It was also the basis for one of the landmark court decisions, in which the award for damages was $6.3 Million.

In light of that decision, the following Statement of Warning is now issued to athletes and parents.....

"I understand that the dangers and risks of playing or practicing tackle football include, but are not limited to, death, serious neck and spinal injuries, which may result in complete or partial paralysis, brain damage, serious injury to virtually all internal organs, serious injury to virtually all bones, joints, ligaments, tendons, and other aspects of the muscular skeleton, and other serious injury or impairment to other aspects of my body and general health and well-being."

Does this warning go too far? Won't this warning scare away potential athletes?

This duty will not go away, and may become even more strict in the future.

The duty to inform an athlete of the risks involved closely parallels the "informed consent" duties of a physician. [[Informed consent---Consent given by a patient after a reasonable disclosure by medical personnel of any available procedures and the **dangers, advantages, and disadvantages** to the patient.]] This type of consent has been deemed necessary because medical knowledge is not always a matter of "common knowledge".....The courts have also viewed athletic injuries to be "not necessarily a matter of common knowledge", especially when applied to minors.

The "un-common knowledge" you have gained through training, education and experience must be utilized to inform the athletes of the inherent risks of any sport. The risks of a sport that are obvious and apparent to you as a coach, are not necessarily so to the athlete and the parents.

This duty should not be held out by itself, rather combined with the other duties listed. Adequate warning should be followed up with proper instruction to avoid injuries, rules and regulations, and the enforcement of those rules and regulations.

Notes:

Duty to properly supervise.

This duty is often referred to as a two part duty, general supervision and specific supervision.....according to activity.

General supervision often applies to activities that are not inherently dangerous, such as warm-up drills, drills that do involve contact.

Specific supervision often applies to more hazardous activities, ...activities that do involve contact, dangerous activities that do not involve contact, i.e. gymnastics, ...

Additionally, the age and maturity of the participant must also be considered when assessing supervisory needs.....

Supervision is tested in court cases by three tests.....
(1) Sufficient number- was there enough supervisors present for the activity.....(age, maturity and nature of activity)
(2) Competency- were the supervisors that were present trained and otherwise qualified to be supervisors... and
(3) Did the supervisors act properly?.....reasonable and prudent...

Absence from activity....
Students as supervisors.....i.e., referees

Notes:

Duty to properly instruct.

This is another area that has been included in numerous lawsuits. There are several specific areas addressed within the topic.

Assess athletes performance--not every athlete has the same skills, talents, etc. This assessment will determine in what areas the athlete is progressing, and where additional work is needed.

Properly condition---The value of conditioning as an injury prevention tool is well known....Injuries will readily occur when athletes become fatigued.....The key word here is "Properly"....too much too soon, not enough .....

Teach proper techniques---"proper", in this context, means the techniques that will allow the athlete to perform well and will reduce the chances of injury, simultaneously. Demonstrating the improper techniques can be utilized to demonstrate how injuries occur, and can therefore be prevented.

Proper skills progression---planned progression from basic to more advanced techniques.....this is a recognized method of injury prevention and reduction.

Notes:

"Conduct, in violation of a safety rule, if either deliberate, willful, or with reckless disregard for another's safety (malice), may be neglient"

Duty to provide a safe environment

Proper equipment---equipment must be suitable for the activity.....
---necessary.....fitted properly.....
---do not allow the use of non-school equipment without permission or inspection.....
---School-owned equipment must be inspected prior to issuance to the athlete (This must be documented) .....
---instruction for the use and care of equipment must also be accomplished (this instruction should also include information on what the equipment is designed to do, what protection is afforded with the equipment).....
---Equipment must also be periodically inspected during the season, and replaced or repaired as necessary.....
---equipment must meet or exceed any and all existing standards, i.e., NOCSAE, etc.....
---equipment must be maintained according to manufacturer's specifications.....
---equipment repair and reconditioning should be performed by qualified individuals.....
---follow manufacturer's guidelines for replacement of equipment as needed
---if equipment has a warning label, instruction must also be given about the warning label... do not assume the athlete will read or truly understand the nature of the warning.

Safe Facilities---inspection of playing fields for hazards.....
---inspection of other athletic facilities, i.e., tennis courts, basketball court, wrestling rooms,
---duty in this area extends to the other team as well, so be aware!
---duty may also extend to visitors and spectators
---inspections must be performed as dictated by the nature of the activity involved, the more dangerous the activity, the more comprehensive and frequent the inspections need to be...
---"actual notice" and "constructive notice".....

Notes:

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Duty to classify athletes

Seven factors---individuals and teams, not limited to contact sports,
Skill level--properly assessing the skill levels of athletes to prevent placing an athlete at a serious disadvantage from over-matched competition.....
Age---usually covered by State Athletic Association rules
Size---
Experience---athletes competing for the first time in that sport, may have limited knowledge of the sport.....
Maturity---Athletes do not mature at the same rate, some may simply not be ready to compete at some levels.....
Mental state---lack of confidence, fear of injury, good in practice but intimidated by other teams.....
Gender---This is an area that can cause great problems. There are fairly comprehensive guidelines on this topic, be sure of what they are before you act!!!!!!!!!!!!

Notes:

Duty to provide health care

First aid---duty to render first aid, to protect the injured athlete from further harm.....
---know the latest sports medicine techniques for treatment and assessment of injury...<<CAUTION>> DO NOT assume role of doctor. Unless you have some type of advanced medical qualification or degree, you cannot make a diagnosis of an injury. If you have to err, err on the side of caution.
---just as you have the duty to render first aid, you have the duty to not go beyond first aid.....Un-necessary treatment, ill-advised treatment, have been the basis for several negligence suits.
---instruct the players not to attempt to move an injured athlete, their only responsibility is to notify you that a teammate is injured.....
---"properly discharged duty after accident"

Providing medical treatment---

Athlete returning after injury---must have proper medical clearance

Pre-participation physical examinations---

Notes:

Duty to evaluate players for injury

Monitor players---duty described here is to recognize a players injury, not make a medical assessment.
---The nature of the injury will also play a significant role, there is a real difference between a bruised triceps and a head injury, and these injuries would certainly be dealt with in a vastly different manner.
---allowing an injured player to continue competition may subject that athlete to a more serious injury

Notes:

Duty to enforce rules and regulations

Additionally, you have the duty to make and establish rules, as well as enforcing these rules.

Rules must be---reasonable
---known by the players (instruction necessary)
---violation of rules and corresponding punishment must also be instructed
---purposeful to provide for safe and orderly play and practice
---enforced uniformly
---not excessively harsh or too physically punishing.

Notes:

Duty to follow "due process"

This applies to warning of dangers of participation of athletes,
rules, regulations and punishments
has been used in cases of eligibility

Notes:

Duty to provide safe transportation

Duty to provide----safe transportation
----do not direct unqualified, unauthorized, or unsafe driver to operate a motor vehicle
----do not allow over-loading of vehicles
----do not allow transport in unsafe vehicle

----rules and regulations for athlete conduct on the bus
----CDE rules and regulations for operation of activity buses

Notes:

Duty to Foresee

One of the most important duties of teachers, coaches, and administrators. By virtue of the specialized education, training, and experience, the standard also raises proportionally. The background that qualifies you to teach young people also requires additional standards.....Rank has its privileges, **rank also has its responsibilities.**

Foreseeability has been defined as....."reasonably able to anticipate consequences of acts or actions".....

Experience is the best teacher in regard to this topic.

Another excellent tool is to stay current in your field, to learn by continuous education and training about problems that have occurred and injuries that have been identified that pose a potentially serious threat to athletes and sports programs.

Notes:

Duty to keep records

Records of----everything.....
----equipment...selection & purchase, recondition dates and methods, issuance, returned, damage,
----syllabus.....practice plan, season plan .....
----warning statements and date and time of instruction, including who was present.....
----injuries,.....accident reports.....who, what, where, when, how, nature of the injury, preventable (yes, no), by practice, game, season, trends or similar injury patterns, by sport, for all sports,
----inspections of facilities, protective equipment, apparatus equipment, athletes personal equipment,
----training

Notes:

Duty to be a professional

includes----written plans, up-dated and based on authoritative sources
----consideration of the athlete's ability to live up to the plan
----updating professional skills
----updating professional knowledge and technical aspects of the sport.
----sports medicine updating, additional training and education in coaching philosophy, biomechanics, and other sports related topics.

Notes:

Administrator's Legal Duties

(1) Duty to act in a reasonable and prudent manner

(2) Duty to anticipate and foresee

(3) Duty to use due care in selection and hiring of coaches and instructors

(4) Duty to properly train personnel

(5) Duty to properly supervise personnel

(6) Duty to be a professional

Workshop Notes

Case Histories Reviewed

Sport: Football
Injury: Fatal
Cause of Death: Cardiac Arrest, due to severe dehydration, elevated body temperature, and exertion.
Age: 14
Circumstances: Player collapsed during wind-sprints that concluded a two-hour workout, in full pads, in 104 degree heat. This was the player's first day of practice

NEGLIGENCE FOUND: Case settled out of court.
1--Failure to adequately warn of the dangers
2--Failure to properly instruct.
3--Failure to monitor athlete.
4--Failure to supervise
5--Failure to plan activities and events.
6--Failure to provide safe environment

JUDGEMENT: FOR the mother of the deceased. AMOUNT: $850,000.00

==========

Sport: Football
Injury: Fractured Vertebra, Severed Spinal Cord.
Nature of Injury: Permanent Quadriplegia.
Age: 15
Circumstances: Making tackle in practice, with head down, a "spear tackle".

NEGLIGENCE FOUND: 1--Failure to adequately warn the athlete.
2--Failure to keep adequate injury reports.
3--Failure to monitor injury reports.
4--Failure to establish an officer in charge of safety in the District.
5--Failure to provide safety clinic training for its employees.
6--Failure to develop a District-wide policy toward safety.
7--Failure to provide a curriculum or safety manual for its employees.
8--Failure of the District to perform a regular evaluation of the sports fields and equipment used.

JUDGEMENT: FOR the parents of the player. AMOUNT: $ 6,300,000.00

==========

Sport: Baseball
Injury: Fractured Vertebra, Severed Spinal Cord.

Nature of Injury: Permanent Quadriplegia
Age: 15
Circumstances: Player sliding into home plate, batting helmet so tight that when players head hit the ground, the helmet did not fall off, rather twisted the players head, causing injury.

NEGLIGENCE FOUND: Case was settled out-of-court.
1--Failure to adequately warn of the dangers.
2--Failure to instruct safe techniques.
3--Failure to provide adequate and safe equipment.

JUDGEMENT: FOR the parents of the player. AMOUNT: $2,000,000.00

OTHER INJURIES-CASE HISTORIES

Sport: Basketball
Injury: Shattered Larynx
Nature of Injury: Coma, prognosis: unknown
Age: 18
Circumstances: Female player hit in throat while trying to steal basketball from opponent.

Sport: Gymnastics
Injury: Fractured Vertebra
Nature of Injury: Permanent disability, mobility loss
Age: 17
Circumstances: Fell off high bar during practice of routine.

Sport: Football
Injury: Fatal
Nature of Injury: Subdural Hematoma
Age: 17
Circumstances: Player collapsed during the second quarter of a game, and died the next day. The blows to the head that caused the death were probably sustained several days before the game. (Occurred in Colorado Springs)

Sport: Track
Injury: Fatal
Nature of Injury: Subdural Hematoma
Age: 17
Circumstances: Fell outside the pole vault pit, landed on head and neck (asphalt surface).

Sport: Track
Injury: Fatal
Nature of injury: Cardiac Trauma
Age: 13
Circumstances: Struck in chest by errantly thrown discus. Blow stopped the boys heartbeat, and all attempts to revive him failed.

Sport: Track
Injury: Fatal
Nature of Injury: Athlete choked.
Age: 15
Circumstances: Athlete completed 400m race, laid down, vomited (from eating large meal), and choked to death on own vomit.

Sport: Wrestling
Injury: Paraplegia
Nature of Injury: Fractured 7th vertebra.
Age: 18
Circumstances: Athlete attempting to throw opponent to mat from standing position, fell, landed on his forehead.

Sport: Cheerleading
Injury: Quadriplegia
Nature of Injury: Fractured cervical vertebra
Age: 17
Circumstances: Attempting back-flip off the shoulders of another cheerleader, missed the flip and landed on neck.

Sport: Ice Hockey
Injury: Fatal
Nature of injury: Blow to the head
Age: 16
Circumstances: Struck behind left ear by opponents stick.

Workshop Notes

PRACTICAL METHODS

IMPLEMENTATION

Is there really a practical method that will address the issues of liability and negligence?? Yes

The concept will be introduced, and the practical methodology will then be discussed.

A great majority of the practical methods will be information you already know, because of your profession of coach, athletic director, or administrator. Knowledge of specific sports sub-skills, skills, drills, and routines will not be presented.

Notes:

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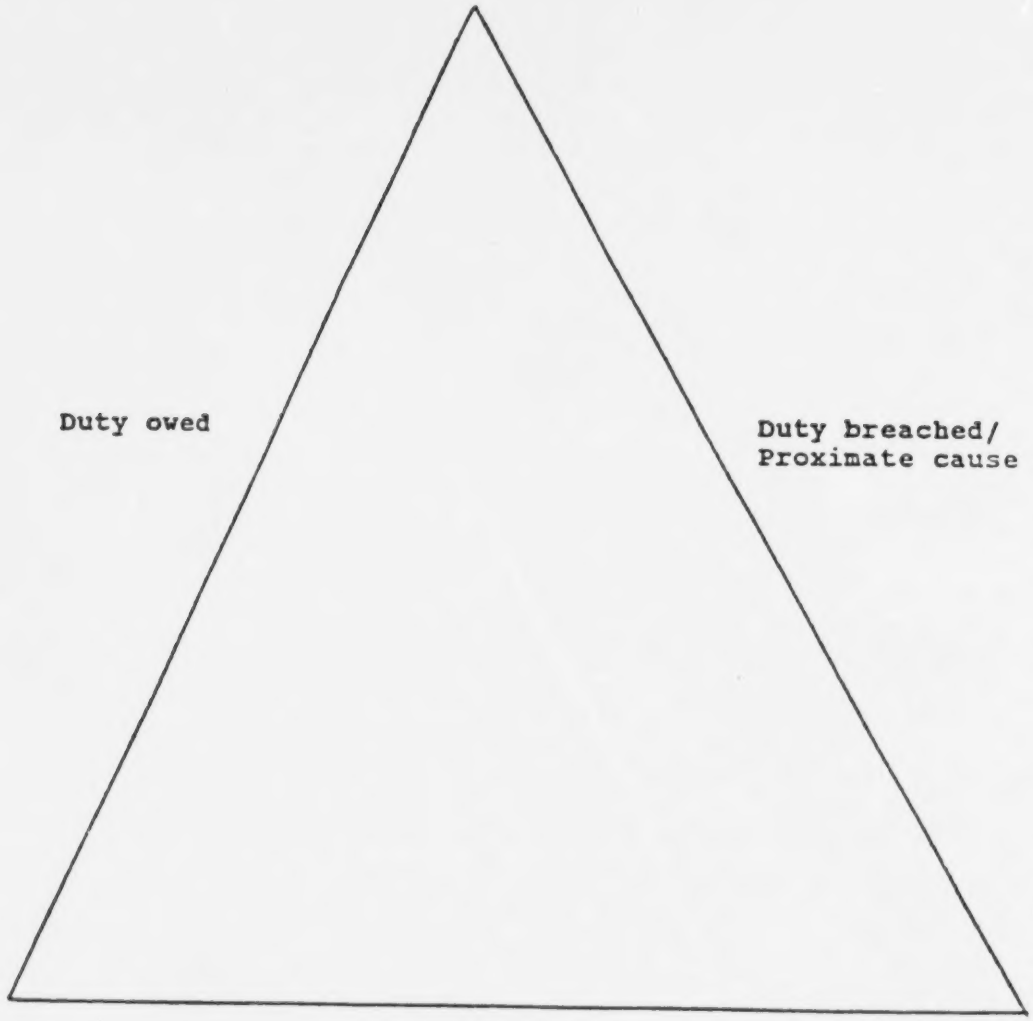
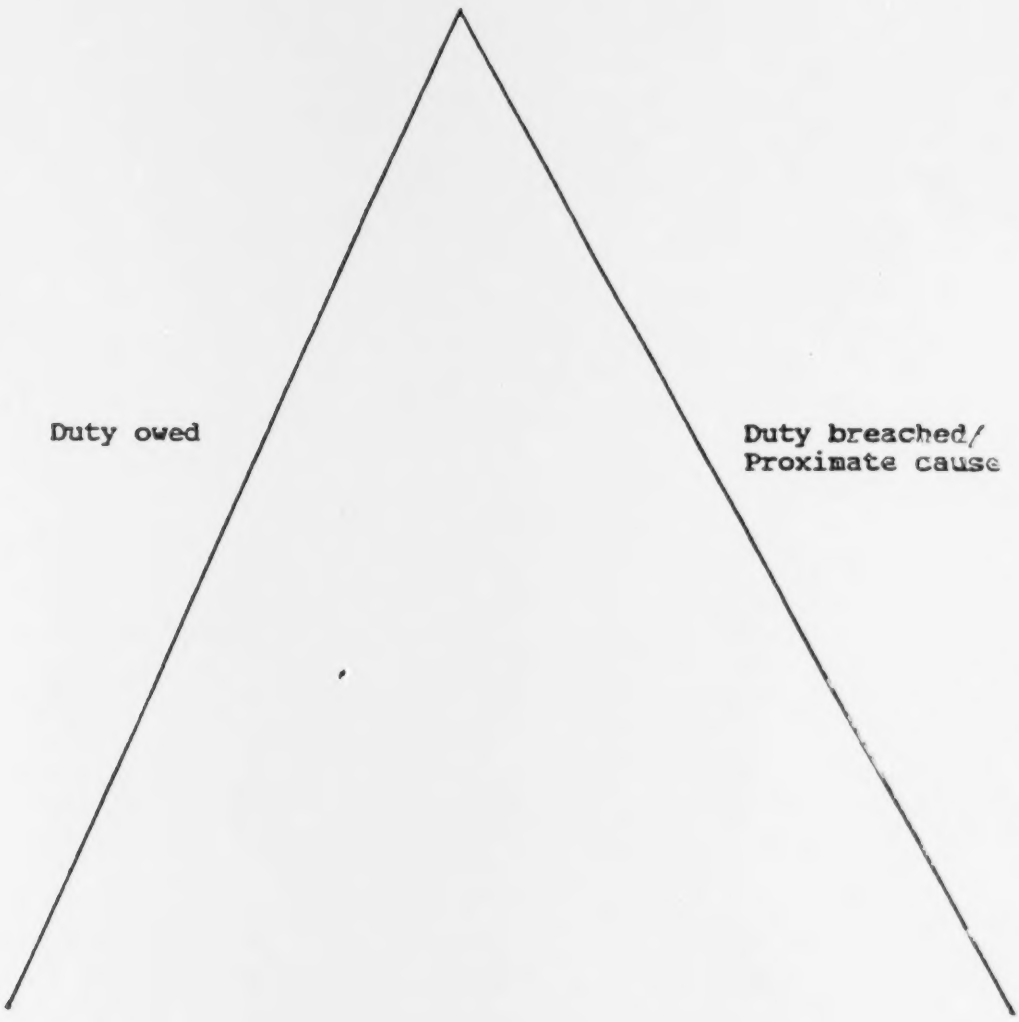
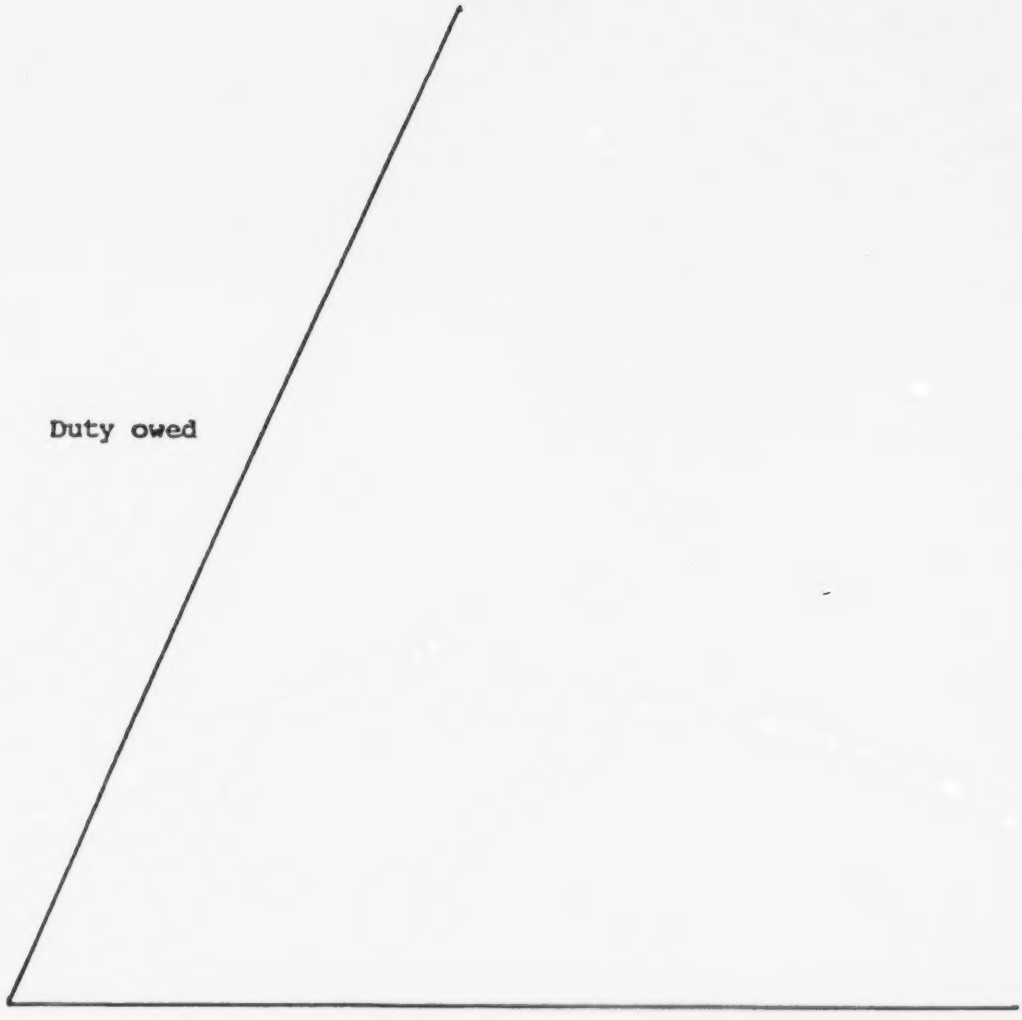
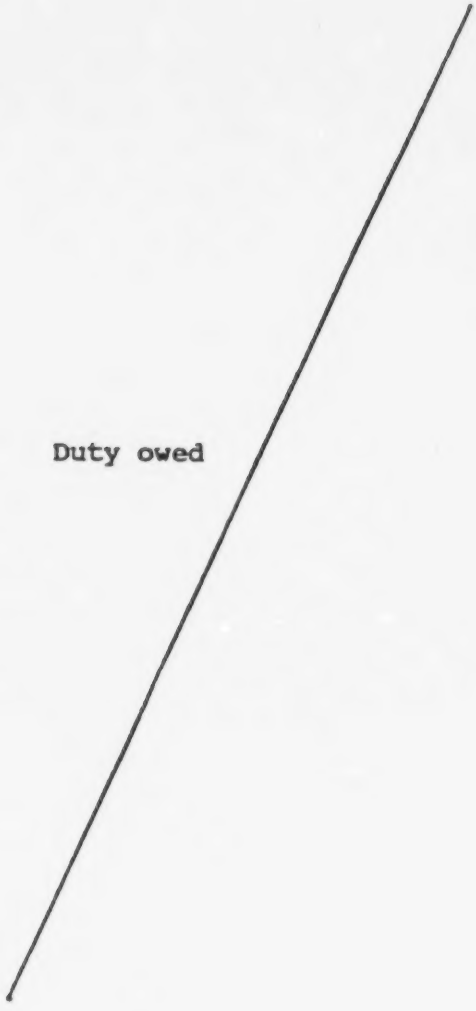
A model to reduce and eliminate negligence

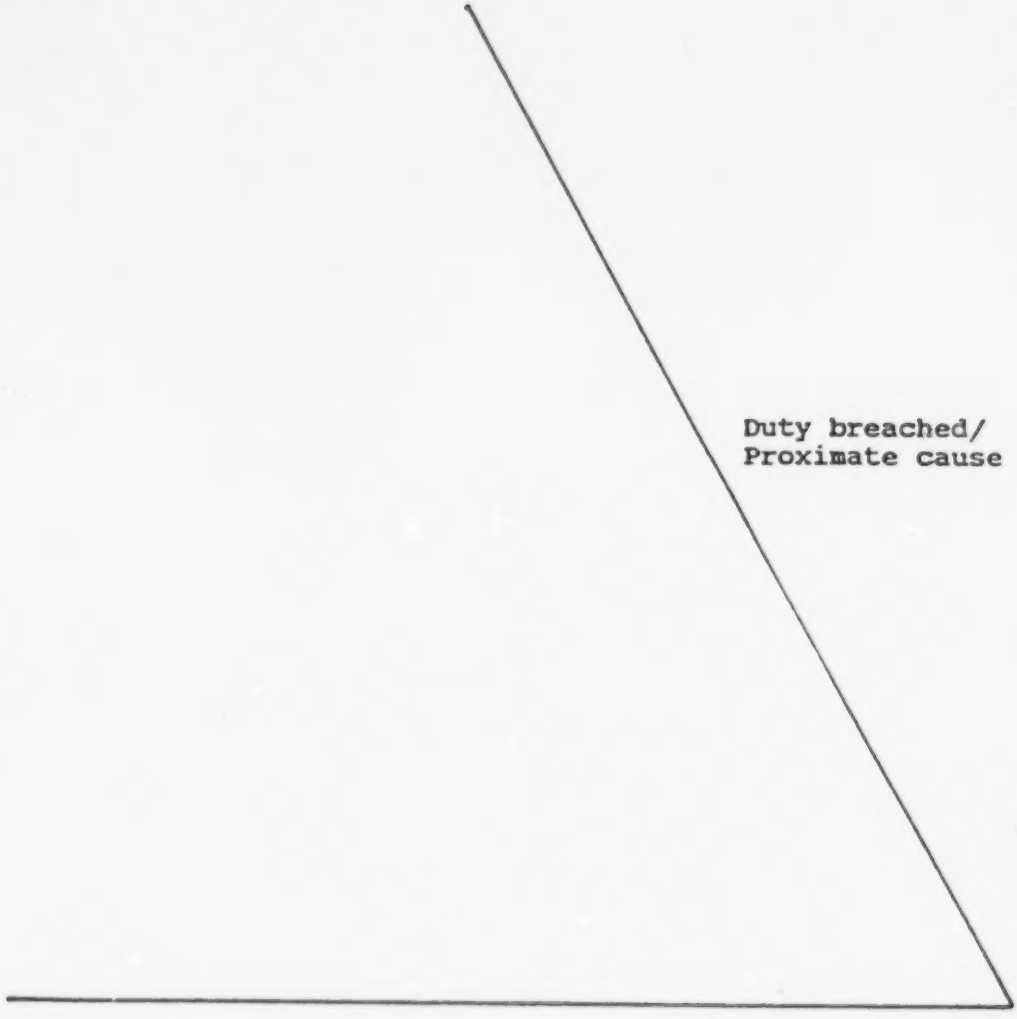


A model to reduce and eliminate neglience




Duty owed
Injury/Loss


Duty owed


Duty breached/
Proximate cause
Injury/Loss

As illustrated, if you eliminate one side of the triangle, you also eliminate one of the four elements that must be present to prove a charge of negligence.

Simple enough.....

Practical application of this concept.

1) One or more of the sides of the triangle must be eliminated, with the ideal being two sides.

2) The "duty" side does not represent a viable alternative in which to invest our efforts. Attention must be paid to this side, so that all duties will be known and addressed.

3) Knowing what the duties are is only half the battle, fulfilling them is the other. Effort does have to be invested in this area, there is simply no other way.....there is no magic.....

4) Addressing the injury side is also part of attempting to eliminate liability and negligence. This is the area that you will address on a daily basis, the vigilant effort to reduce and eliminate injuries through the application of proven, safe techniques.

This workshop is not intended to provide specific coaching techniques, rather to incorporate the working knowledge you already possess with the risk management information, to provide protection, by implementing a process of prevention and preparation.

Please refer to the case histories previously presented.
In the second case, (quadriplegia from football), the jury found eight specific failures, that led or contributed to the findings of negligence. What specific steps did that School District take in response to the juries findings?

1) Established a comprehensive warning statement, to adequately warn potential athletes of the dangers of playing and practicing football. (and other sports)

2) Established procedures and criteria for selection of supervisory personnel.

3) Established a process of continuing education for supervisors.

4) Developed a system of site assessments which include program leaders, equipment, and facilities.

5) Developed a curriculum and safety manuals for employees.

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6) Established and regularly update and keep available all published materials concerning risk management.

7) Established and maintain a safety program.

8) Established a system of injury records to pinpoint potential problems.

9) Yearly injury summary report, which also lists needed programmatic changes.

What good came out of this case?

Quote---"What the Thompson case did was approach safety from a different angle--advising the athlete of the risk involved.....it raises your awareness level." Athletic Director, Seattle School District.

There are six requirements for a successful risk management/safety program.

1) Policies and Procedures--necessary to establish the program, set a direction for the program, and establish responsibilities.

2) Training---continuing education, professional development, for all personnel

3) Supervision--Supervisors are the key component to any successful safety program. They act as liaison, instructors, mediators, and facilitator. They are in the position to monitor, observe, and make corrective actions

4) Corrective Action--Mistakes will occur, and changes will require that periodic corrective action will need to be taken. Correcting problems is a recognizable action that displays that attention is being focused on the program.

5) Review and Revision--No program will remain static, and periodic changes will be necessary to address those changes. Periodic auditing will reveal the areas that need attention.

6) Legal Counsel and Support--Legal advise is a necessary component of any risk management process. That advise can pinpoint where additional policies are needed, where changes should be made to improve the level of protection.

<u>Risk Management Activities</u>

Five major activities

1) Identify---------hazards, risks, and exposures.

2) Evaluate---------same

3) Implement--------possible solutions to the identified problems

4) Monitor----------periodic review of the effectiveness of the implemented changes.

5) Follow-up--------audit.....restart process when necessary.

Practical steps to improve athletic safety program

1) Pre-season meetings
   serves numerous purposes, not solely related to liability issues
   a) establishes improved communications
   b) establishes a support base for the program
   c) increases understanding of athletic principles and psychology
   d) enlists parental support and understanding
   e) opportunity to present the warning of risk to athletes and parents
   f) opportunity to review rules and regulations, with parents and athletes
   g) present the athlete's responsibilities, such as adhering to safety rules, good nutrition and health habits (as an injury reduction tool), parents role in assisting the athlete in injury prevention.
   h) Eligibility
   i) other issues, new CHSAA rules, league rules, schedules student health insurance

2) Formulate an athletic policy manual.

3) Establish a set of <u>realistic and achievable</u> goals

4)

5)

6)

7)

8)

9)

Workshop Notes

ATHLETIC PARTICIPATION PROGRAM

® LIABILITY LOSS CONTROL ASSESSMENT

DIRECTIONS: This list of liability loss control activities should be used as a general guideline during the Athletic Program evaluation process. The worksheet format can be used to record information during the eon-site interview/assessment process. There may be activities, exposures, and special concerns unique to a particular program that are not listed in this guideline. These should also be addressed in the Action Plan and formal report to management.

CLIENT/LOCATION _____

ADDRESS _____

CITY _____ STATE _____

ADMINISTRATOR _____

ATHLETIC DIRECTOR _____

GB CONSULTANT _____ DATE _____

ASSESSMENT AREAS

I. MANAGEMENT DIRECTION

II. STAFF ACTIVITIES AND INVOLVEMENT

III. PROGRAM ACTIVITIES

IV. LOSS CONTROL METHODS

V. FLEET AND TRANSPORTATION

I. MANAGEMENT DIRECTION

Safety Policy Statement Developed.

Formalized Program Outlined.

Responsibilities Specified and Assigned to:

Administrators.

Athletic Directors.

Head Coaches.

Assistant Coaches.

Support Personnel.

Program Distributed and Reviewed with all Athletic Program Personnel.

Objectives and Goals Established.

Follow-up Procedures Established for Accident and Incident Reporting, Inspections, Repairs, etc.

Employee Performance Evaluation Includes Loss Performance and Loss Prevention Activities Completed.

II. STAFF ACTIVITIES AND INVOLVEMENT

Operational Guidelines Developed for Areas of Responsibility (Coaching, Equipment, Maintenance, etc.).

Conducts Regular, Documented Inspections in Areas of Responsibilities, Including Site of Event.

Conducts Accident/Incident Investigations in Area of Responsibility.

Staff Trained and Certified.

Supervision Assigned, Implemented and Documented.

III. PROGRAM ACTIVITIES

Periodic Staff Meetings to Review Accidents, Incidents, Program Concerns.

Meeting Held and Information Distributed to Parents or Guardians and Participants Prior to Start of Activities.

"Informed Consent" Signed and on File.

Event Checklist(s) Completed to Document Inspections, Equipment, Personnel Available.

Adequate Supervision for Crowd Control.

Policies and Procedures for Crowd Control Personnel.

IV. LOSS CONTROL METHODS

A. ACCIDENT INVESTIGATION PROGRAM IMPLEMENTED:

Reports Maintained on All Accidents and Incidents.

Pictures Used to Aid in Identification and Documentation of Incident (where appropriate).

Witness Statement(s) Documented.

Investigations are Reviewed.

Follow-up, Corrective Measures are Documented.

Complaints Log Established, Follow-up Procedures Documented.

B. INSPECTION PROGRAM IMPLEMENTED:

Conducted on Regular Basis.

High Risk Areas (Pools, Weight Rooms, Gymnastics) More Frequently Inspected.

Inspections Documented on Standard Forms.

Equipment "Deadline" for Upkeep, Maintenance and Repairs.

Equipment Tagged "Out-of-Service" When Defective.

C. DEVELOPMENT OF PROCEDURAL MANUAL:

Developed by Head Coaches and Assistants.

Reviewed by Athletic Director and Administration

Reviewed and Updated Periodically

D. CRISIS AND EMERGENCY CONTROL:

Staff Trained in First-Aid and CPR.

Access to Telephones and Emergency Numbers Posted.

Medical Facilities Available, Contracted for Services.

Major Medical Emergency Personnel Available (such as doctor, athletic trainer, emergency medical technician, paramedics).

Emergency Procedures Developed and Reviewed Periodically for:

Injuries.

Fire.

Weather.

Utility.

Bomb Threat.

Civil Strife.

Emergency Equipment Available to Include:

First-Aid Kits.

Fire Extinguishers.

Lighting.

Respirators.

Blankets.

Portable Radios.

Bull Horn.

Emergency Drills Conducted.

Policies Developed (used) for Contacting Relatives.

Policies Developed (used) for Contacting the Injured with Follow-Up Investigation, Information, to Check on Condition, etc.

V. FLEET AND TRANSPORTATION

Private Carriers have Appropriate Permits and Licenses.

Carrier "Certificates of Insurance" and Hold Harmless Agreements on File.

Trip Policies Established and Trip Routes Planned.

Transportation by Client-owned Vehicles Driven by Authorized Personnel.

Periodic License Check.

Driver Record Check.

Periodic Vision Check.

Personnel Received Training.

Poor Driver Reassignment Program.

Policies Developed for Use of Private Vehicles for Client Activities.

Pre-Trip Vehicle Inspections.

Preventive Maintenance for Vehicles.

Vehicles "Deadline" Periodically for Maintenance.

Vehicles Tagged "Out-of-Service" When Repairs are Necessary.

Vehicle Safety and Emergency Equipment:

- Fire Extinguisher.
- Emergency Flares.
- First-Aid Kits.
- Emergency Warning Lights
- Seat Belts

The information contained this ins report was obtained from sources which to the best of the writer's knowledge are authentic and reliable. Gallagher Bassett Services, Inc. makes no guarantee of results and assumes no liability in connection with either the information herein contained, or the safety suggestions herein made. Moreover, it cannot be assumed that every acceptable safety procedure is contained herein, or that abnormal or unusual circumstances may not warrant or require further or additional procedures.

ATHLETIC ORIENTATION CHECKLIST

ALL COACHES AND TRAINERS MUST BE ORIENTATED ON THE COLLEGE SAFETY PROCEDURES.

Topic	Date Completed
1. College Emergency Plans	
2. Accident Investigation Procedure	
3. Self-Inspections	
4. Fleet Safety	
5. Informed Consent Procedures	
6. CPR and First Aid	
7. Participant Injury and Return	
8. Documenting Practice Plans and Drills	
9. Sport Safety Techniques	
10. Athletic Liability Manual	
11. General Supervision	

I have been trained and understand the above topics.

_____ _____

Coach/Trainer Signature Date

_____ VOLLEYBALL PROGRAM

WAIVER & RELEASE OF ALL CLAIMS

Please read this form carefully and be aware that in signing up and participating in this program you will be waiving and releasing all claims for injuries you might sustain arising out of this program.

Insert Whatever Details

You Desire on Program Here

(Acknowledgement of risk of injury clause) "As a participant in the program, I recognize and acknowledge that there are certain risks of physical injury and I agree to assume the full risk of any injuries, including death, damages or loss which I may sustain as a result of participating in any and all activities connected with or associated with such program."

(Waiver of claim for injury clause) "I agree to waive and relinquish all claims I may have as a result of participating in the program against the _____ and its officers, agents, servants and employees."

(Release from liability clause) "I do hereby fully release and discharge the _____ and its officers, agents, servants and employees from any and all claims from injuries, including death, damage or loss which I may have or which may accrue to me on account of my participation in the program."

(Indemnity and defense clause) "I further agree to indemnify and hold harmless and defend the _____ and its officers, agents, servants and employees from any and all claims resulting from injuries, including death, damages and losses sustained by me and arising out of, connected with, or in any way associated with the activities of the program."

I have read and fully understand the above Program Details and Waiver and Release of All Claims.

_____
Participant

_____
Date

ACKNOWLEDGMENT OF WARNING BY PARENTS

We/I, the parent(s) of _____ do hereby acknowledge that we/I have been fully advised, cautioned and warned by the proper administrative and coaching personnel of _____ that our/my child named above may suffer serious injury, including but not limited to sprains, fractures, brain damage, paralysis or even death, by participating in the sport of _____. Notwithstanding such warnings, and with full knowledge and understanding of the risk of serious injury to our/my child named above which may result, we/I give our consent to _____ participating in the sport of _____.

WITNESSES

_____ Signature of Parent/Guardian_____

_____ Date_____

ACKNOWLEDGMENT OF WARNING BY STUDENT

I, _____, hereby acknowledge that I have been properly advised, cautioned and warned by the proper administrative and coaching personnel of the _____ that by participating in the sport of _____ I am exposing myself to the risk of serious injury, including but not limited to, the risk of sprains, fractures and ligament and/or cartilage damage which could result in a temporary or permanent, partial or complete impairment in the use of my limbs; brain damage; paralysis; or even death. Having been so cautioned and warned, it is still my desire to participate in the above sport, and should I choose to participate in the above sport I hereby further acknowledge that I do so with full knowledge and understanding of the risk of serious injury to which I am exposing myself by participating in the above sport.

WITNESSES

_____ Signature of Parent/Guardian_____

_____ Date_____

SAMPLE

WARNING OF THE INHERENT DANGER OF PARTICIPATING IN FOOTBALL

There have been many improvements made in in protective equipment to reduce injuries In the game of football. Over the years there have been many rule changes, changes in coaching techniques, advances in sports medicine - all for the purpose of decreasing injuries.

Relative to the number of injuries and deaths that occur on the highways with cars, cycling, and pedestrians, football would rate low on the scale. Sports like swimming, rafting, boating, and racing all produce more catastrophic injuries than football by a considerable amount.

It is important, however, for you to know that injuries do occur in football and that some of these injuries can be catastrophic. Catastrophic means permanent, serious injury such as total paralysis, partial paralysis and even death. It is possible for this to happen to you (or your child) and it is important for participants and parents to fully understand this before participating in the sport begins.

I HAVE READ THE ABOVE STATEMENT AND FULLY UNDERSTAND ITS IMPLICATIONS.

_____ _____

_____ _____

Parent's signature Date

_____ _____

Participant's signature Date

ATHLETIC

MEETING NOTIFICATION TO PARENTS

(date)_____

Dear_____:

A meeting will be held on _____(date)_____ at _____(time)_____ for ALL students wishing to participate this year in _____(sport)_____ AND their parents. The meeting will be held in _____(location)_____ at the school. The purpose of the meeting is to provide you and your child with important information about participation in _____(sport)_____.

During the meeting we will view a presentation _____(name specific presentation)_____. The purpose of this presentation is to discuss the injuries an individual may suffer while participating in athletics and to WARN both the student and his/her parents of the possibility of those injuries. After you and your child have viewed the presentation, we will ask you and your child to sign the ACKNOWLEDGEMENT OF RISK, BEFORE your child will be allowed to practice or participate in any way in _____(sport)_____.

If you cannot attend the meeting, please contact coach _____(name)_____ and arrange an alternative time for you and your child to view the presentation in the company of a member of the coaching staff.

_____
Coach

_____
Athletic Director

PARENTAL DELEGATION OF AUTHORITY TO CONSENT TO MEDICAL OR DENTAL TREATMENT FOR MINOR CHILD

_____

We, the undersigned, are the parents of _____, a minor, or I, the undersigned, am the sole parent having legal custody of said minor, or I, the undersigned, am the legal guardian, pursuant to the order of the court, of said minor.

We, or I, hereby authorize any adult into whose care said minor has been entrusted to consent to X-ray examination, anesthetic, medical, surgical, or dental diagnosis, or treatment and hospital care upon the advice of a physician, surgeon, or dentist licensed under the Medical Practice Act or Dental Practice Act.

Child's blood type:_____

Child's drug allergies, if any:_____

_____ _____

_____ _____

Signature of Parents Date

_____ _____

Witness Date

COLLEGE ATHLETIC
SAFETY POLICY STATEMENT

It is the intent of the _____ to provide a safe working environment for our employees as well as a safe athletic environment for the students utilizing our facilities and programs. Safety will take precedence over expedicency or short cuts and every attempt will be made to reduce the possibility of accident occurrence.

This Manual was designed to give employees a thorough overview of safety policies and standards to be maintained at the _____. Each staff member must take the time to read this Manual and refer to it on a regular basis to answer any safety concerns that may arise. Each coach must sign off after reading this manual carefully.

The College will make every attempt to comply with all safety laws and ordinances. To achieve this end, we have established rules and guidelines and require strict adherence by all.

_____
Athletic Director

UNITED STATES GYMNASTICS FEDERATION

Member Associations

Amateur Athletic Union, American Sokol Organization, American Turners, National Association for Girls and Women's Sports, National Association of Collegiate Gymnastics Coaches, National Association of Collegiate Gymnastics Coaches/Women, National Association of Intercollegiate Athletics, National Association of Women Gymnastics Judges, National Collegiate Athletic Association, National Federation of State High School Associations, National Gymnastics Judges Association, National High School Gymnastics Coaches Association, National Jewish Welfare Board, National Junior College Athletic Association, United States Association of Independent Gymnastics Clubs, United States Elite Coaches Association—Women, United States Elite Coaches Association—Men, United States Gymnastics Safety Association, Young Men's Christian Association

Gymnastics Safety Guidelines

1. **ASSUMPTION OF RISK.** Participation in gymnastics activities involves motion, rotation, and height in a unique environment and as such carries with it a reasonable assumption of risk.

   WARNING! Catastrophic injury, paralysis or even death can result from improper conduct of the activity.

2. **COMPETENT SUPERVISION.** Do not participate in any gymnastics activity without competent supervision.

3. **POTENTIAL MEDICAL EMERGENCIES.** Instructors/supervisors should be aware of the potential medical emergencies that could occur in gymnastics and be prepared to adequately respond to them in an appropriate manner.

4. **BE PREPARED TO PARTICIPATE.** Dress appropriately, follow accepted warmup practices, and be mentally prepared to engage in the activity.

5. **CAREFULLY CHECK EQUIPMENT.** Before directly engaging in any gymnastics activity, make sure the equipment is adjusted and secured properly and that adequate matting appropriate to the activity is in the correct position.

6. **CARELESSNESS CANNOT BE TOLERATED.** Gymnastics is an activity requiring active concentration. Horseplay or any other form of carelessness cannot be tolerated at any time for any reason. Consult your instructor.

7. **FOLLOW PROPER SKILL PROGRESSIONS.** A safe learning environment includes a correct understanding of the skill being performed and following proper skill progressions. When in doubt, always consult your instructor.

8. **MASTERING BASIC SKILLS.** Safe learning practices demand mastering basic skills before progressing to new and/or more difficult levels.

9. **ATTEMPTING NEW AND/OR DIFFICULT SKILLS.** The readiness and ability level of the performer, the nature of the task, and the competency of the spotter all must be taken into consideration when attempting a new or difficult skill.

10. **PROPER LANDING TECHNIQUE.** Safe dismounts, as well as unintentional falls, require proper landing techniques. No amount of matting can be a fail-safe. Avoid landing on head or neck at all costs as serious catastrophic injuries may result.

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PHYSICAL ACTIVITY ANALYSIS

Develop an injury/precaution fact sheet for each sport or physical activity on your campus. It should include:

- A description of the activity and the conditions while participation is in progress with the hazards that are present outlined.
- A list of possible injuries while engaged in the activity.
- Rules of play.
- Safety equipment.
- Skill performance.

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Sport: Basketball
Risk Potential: Moderate

I. Instruction

A. Teach proper techniques:

1. Block out
2. Shooting
3. Screening
4. Passing
5. Running and Sliding
6. Defense
7. Body Balance
8. Rotation and Routes
9. Taking a charge and how to fall
10. Pivoting and footwork
11. Stretching and Warm-up

B. Avoid multi-directional drills in practice to avoid collisions.

C. A football air dummy should be used in place of another player when practicing getting fouled when shooting.

D. Good communication should be stressed at all times.

E. Wearing jewelry should be prohibited at all times.

F. A coach should call fouls in practice.

II. Equipment

A. Proper fitting shoes are a must for comfortable participation.

B. The backboards should be properly padded as well as any walls or objects close to the court.

C. Safety glasses should be used if needed.

D. Break-away rims should be checked periodically for malfunctions.

E. Non-active players should wear warm-ups to stay warm.

F. All balls not being used should be stored away from playing area.

III. Facilities

A. Sufficient sideline/endline space is important.

B. The scorer's table and team benches should be properly placed to ensure sufficient sideline space.

C. The playing surface should be clean and dry.

D. Volleyball standard caps should be securely placed in floor.

E. Bleachers should be safe with guard rails securely in place.

IV. Supervision

A. All practices and games should be supervised by a coach.

B. A coach should monitor the locker room at practices and games.

C. Cheerleaders should be stationed in an appropriate area.

D. Coaches should take care when matching up players according to size and speed.

V. Potential Injuries

A. Types

1. Sprains
2. Strains
3. Contusions
4. Abrasions
5. Concussions
6. Blisters
7. Cramping

B. Causes

1. Sudden movement, landing improperly
2. Poorly fitting shoes
3. Collisions
4. Contact
5. Falling
6. Inadequate warm-up or stretching

HAZARD RECOGNITION/
AREA SAFETY SELF-INSPECTION FORMAT

One of the most important aspects of our Safety Program is the implementation of a Self-inspection Program. Periodic self-inspections of buildings, grounds and equipment help identify and correct hazards or unsafe conditions before a serious accident or injury occurs. Documented self-inspection reports identify potential problem areas so that they can be corrected or eliminated before an accident or injury occurs. Self-inspections help demonstrate the institutional commitment toward safety of all those involved. The College Athletic Self-inspection Program is a key element to our Safety Program.

Format

Each area on campus is divided into small manageable inspection zones based upon units within a designated area. These units are unique and each should have their own list of things that need to be looked at and recorded on a Self-inspection Checklist. The inspections are on a regular periodic schedule and made by more than one inspector. This is done to improve inspection efficiency and make sure that nothing is overlooked.

Documentation

Our Self-inspection Checklist/Report forms are developed for specific areas in order to make sure the inspection efficiency is the best possible. The Checklist/Report includes a checklist of safety concerns common to each area under inspection. It lists each piece of equipment, it's condition, and if defective, what action was taken to correct it. The date of the inspection is listed as well as the name of the inspector. It is the policy that each coach/inspector use his/her own form to record his inspection. If three people do the inspection, then three separate forms will result. This ensures several different opinions of the conditions present in each area to ensure quality control and accuracy of the inspection. The forms contained in this manual are examples. Please develop your own if you feel that the forms do not meet the College curriculum. The key is to document your efforts.

Inspection Follow-up

A list of recommendations is developed from the inspection report for each area. Each recommendation should include the date and the number of the related hazards on the checklist. The list is forwarded to the appropriate office for necessary follow-up and should be used as a guideline for the next self-inspection to ensure correction of previously listed hazards. Those recommendations not corrected from previous reports are relisted with original reference numbers.

Inspection Frequency

The frequency of inspection is determined by several factors including building and campus size, layout, and any special concerns or hazards at facility. As a result, colleges require a formal monthly self-inspection of facilities (minimum) by supervisors, trainers and coaches. General informal inspections of equipment and facilities should be conducted daily. Work orders should be written once a hazard is noted. Equipment should be tagged and placed out of circulation, if defective. A pre-event inspection should be made prior to the event for both home and away contests. If the coach believes the condition has imminent danger to the athlete, the coach should not allow the team or individual to participate until the condition is corrected.

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SELF-INSPECTION PROGRAM

IMPLEMENTATION OUTLINE

I. Inspection Zones

- Divide the building into inspection zones based on building structure, fire zones, activity areas or other criteria.

II. Documentation

- Develop a Self-inspection Checklist/Report form based on the specific needs of each inspection area.

III. Inspection Teams

- Establish two-member inspection teams to help ensure that all obvious hazards are noted. Teams for quarterly inspections may include management, members of the Safety Committee, or other key personnel. Monthly inspections by supervisors may be conducted with the assistance of an area worker.

IV. Inspection Process

- Conduct an inspection in each zone utilizing the Self-inspection Checklist/Report or similar form. Assign a reference number to each hazard indicating the year, month and number of the hazard in that particular inspection zone.

V. Recommendations

- Develop a list of recommendations that identify the hazards in each inspection zone and possible corrective measures. Forward the recommendations for each zone to the appropriate supervisor, instructor or maintenance personnel for follow-up.

VI. Follow-Up Inspections

- Utilize the list of recommendations as a guideline during the next follow-up inspection to help ensure that all hazards have been corrected. Re-list all "outstanding" hazards by their original identification number in the next list of recommendations to focus attention on these pending items.

VII Records

- Maintain copies of past Checklists/Reports, recommendations lists, and follow-up corrective measures for each inspection zone to verify this important part of the school safety program.

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SAMPLE

TRAINING ROOM

Description	Excellent	Good	Need Action
Tables and Benches			
Electric Outlets			
Medical Supply Cabinets			
Lighting			
Climate Control			
Whirlpool			
Mirrors			
Floor Surface			
Ice Maker			
Inventory			
Other			

Comments: _____

_____

_____

Work Orders Submitted Yes ☐ No ☐

_____ Coach/Trainer

_____ Date

SAMPLE

WEIGHT TRAINING ROOM

Description	Excellent	Good	Need Action
Mirrors			
Floor Surface			
Lighting			
Climate Control			
Lift Platform			
Weight Storage Racks			
Barbells			
Dumbbells			
Multi-Station Machines			
Isometric Stations			
Incline Boards			
Benches			
Stationary Bicycles			
Other Equipment			
General Housekeeping			
Instructions Posted			
Hours Posted			
Other			

Comments: _____

_____

_____

Work Orders Submitted Yes ☐ No ☐

_____ Coach/Trainer

_____ Date

SAMPLE

WRESTLING ROOM

Description	Excellent	Good	Need Action
Floor Padding			
Wall Padding			
Floor Markings			
Bleachers			
Exit Lights			
Storage Areas			
Ventilation			
Lights			
General Housekeeping			
First Aid Availability			
Mat Sanitation			
Other			

Comments: _____

_____

_____

Work Orders Submitted Yes ☐ No ☐

_____ Coach/Trainer

_____ Date

TRACK & FIELD

SAMPLE

Description	Excellent	Good	Need Action
Surface Composition/Condition			
Lane Markings			
Drainage			
Jumping Pits			
Runways			
Shot Put Ring			
Shot Put Landing			
Shot Put Kick Board			
Bleachers			
Javlin Area			
High Bars			
Common Areas			
Communication System			
Bleachers Other			

Comments: _____

_____

_____

Work Orders Submitted Yes ☐ No ☐

_____ Coach/Trainer

_____ Date

FOOTBALL FIELD

SAMPLE

Description	Excellent	Good	Need Action
Turf/Grass			
Bleachers			
Press Box			
Lighting			
Electrical Outlets			
Scoreboard			
Goal Post			
Fence-Gates			
Sideline Markers			
Player Benches			
Communication System			
Other			

Comments: _____

_____

_____

Work Orders Submitted Yes ☐ No ☐

_____ Coach/Trainer

_____ Date

SAMPLE

BASEBALL/SOFTBALL

Description	Excellent	Good	Need Action
Playing Field			
Backstop Fencing			
Bleachers			
Player Benches			
Lights			
Electrical Outlets			
Scoreboards			
Storage Areas			
Pitcher's Mound			
Communication System			
Batter's Box			
Helmets			
Catcher's Equipment			
First Aid Availability			
Dugout Area			
Warning Track			
Other			

Comments: _____

_____

_____

Work Orders Submitted Yes ☐ No ☐

_____ _____

Coach/Trainer Date

GYMNASIUM

SAMPLE

Description	Excellent	Good	Need Action
Bleachers			
Floor Surface			
Floor Markings			
Floor Plates			
Wall Padding			
Lights			
Backboards			
Scoreboard			
Electrical Outlets			
Storage Area			
Exit Lights			
Emergency Lighting			
Ventilation			
General Housekeeping			
Wall Padding Other			

Comments: _____

_____

_____

Work Orders Submitted Yes ☐ No ☐

_____ Coach/Trainer

_____ Date

TENNIS COURTS

SAMPLE

Description	Excellent	Good	Need Action
Surface Condition			
Line Markings			
Drainage			
Fence/Gates			
Ball Machine			
Lights			
Electrical Outlets			
Nets			
Posts			
Clearance Around Courts Wind Screens			
Other			

Comments: _____

_____

_____

Work Orders Submitted Yes ☐ No ☐

_____ Coach/Trainer

_____ Date

SAMPLE

SWIMMING POOL

Description	Excellent	Good	Need Action
Life Safety Equipment			
Depth Markings			
Underwater Lights			
Lane Markings			
Diving Boards			
Life Guard Stations			
Deck Surface			
Deck Drainage			
Electrical Outlets			
Ladders			
Spectator Area			
Storage			
Exit Lights			
Emergency Lighting			
Showers/Lockers			
General Housekeeping			
Bleachers			
Other			

Comments: _____

_____

_____

Work Orders Submitted Yes ☐ No ☐

_____ Coach/Trainer

_____ Date

ATHLETIC LOCKER ROOMS

SPHINX

Description	Excellent	Good	Need Action
Benches			
Lockers			
Floors			
Shower Surface/Drainage			
Mirrors			
Drying Area			
Water Fountains			
Urinals/Toilets			
Towel Storage			
Chalkboard			
Exit Lights			
Emergency Lighting			
General Housekeeping			
Ventilation			
General Lighting			
Other			

Comments: _____

_____

_____

Work Orders Submitted Yes ☐ No ☐

_____ Coach Trainer

_____ Date

PUBLIC AREA PREVENTIVE MAINTENANCE PROGRAM
POOL AREAS CHECKLIST

LOCATION_____

DATE_____ ENGINEER_____

ITEM	CONDITION	COMMENTS
Pool Equipment, Heater		
Filter, Pump, Pipework		
Pool Tile, Paint, Skimmers		
Steps, Railings		
Pool Deck, Tile, Carpet		
Life/Safety Equipment		
Regulations		
Fire Extinguishers, Exits		
Plants, Planters		
Tables, Chairs		
Umbrellas, Ash Urns		
Doors, Gates, Fences		
Light Bulbs		
Light Fixtures, Switches		
Jacuzzi, Hot Tub		
Chlorine Pump, Level		
Water Ph, Condition		
Pool Enclosure, Glass		
Walls, Ceilings		
Vents, Defusers		
Pool Toilets		
Signage		

SIGNATURE_____

FACILITIES AND EQUIPMENT CHECK LIST

Date: _____

Area Inspected: _____ Inspected By: _____ Repaired By: _____

I. General grounds appearance and conditions:

Litter	____	Grills	____
Broken Glass, etc.	____	Water Fountains	____
Holes	____	Picnic Tables	____
Trash Recepticals	____	Bridges	____
Parking Lots	____	Shelters, Restrooms & Storage Areas	____
Sand or Gravel Under Equipment (rake in as required)	____		

Comments: _____

II. Lighting:

Interior (Building)	____	Exterior (Building)	____
		Night Lights	____

Comments: _____

III. Equipment:

Slides -		Fit-Trail	____
Bed	____	Swings -	
Steps	____	Grease Tire Swings	____
Guard Rails	____	Chains & "S" hooks	____
Landing Area	____	Seats	____
All bolts in place & tight	____	Hangers	____
Other Equipment -		Ground Conditions Under	____
Condition	____	Back-Hoe Diggers -	
Lubrication	____	Grease	____
Bleachers	____	Merry-Go-Round -	
Basketball Goals/Nets	____	Platform	____
Bike Racks	____	Lubrication	____
		Ground Condition (Around & Under)	____

Comments: _____

IV. Fencing (Chain Link/Split Rail) and Backstops: ____

Comments: _____

V. Trees and Shrubs: ____

Comments: _____

VI. Tennis Courts:

Net Condition & Height	____	Surface Condition & Cleanliness	____
Fencing	____	Practice boards	____

Comments: _____

VII. Miscellaneous or Other (Specify):

Comments: _____

A check mark indicates good condition.
Note repairs or action taken or to be taken in the comments section

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PLANNING CHECKLIST FOR CAMPING AND AQUATIC ACTIVITIES

Site

____ Physical premises inspected.
____ Hazards removed or made non-hazardous.
____ Safety barriers or warnings erected.
____ Off-limits areas clearly marked.

Equipment

____ Adequacy of equipment determined.
____ Each item checked for safety.
____ Defective equipment repaired or replaced.
____ Safe and secure storage facilities provided.

Staff

____ Age checked. Staff members should be at least 18 years old.
____ Moral character and maturity checked.
____ Credentials checked and verified.
____ Prior experience determined. All supervisory staff members must have had prior experience in the activity to be conducted.

Participants

____ Personal characteristics reviewed.
____ Special health problems determined.
____ Camper health histories reviewed.
____ Special disabilities determined.
____ Provisions made for special health needs, e.g., medication.

Activities

____ Planned and reviewed by supervisory personnel.
____ Safety procedures clearly spelled out.
____ Staff thoroughly informed.

Motor Vehicle Transportation

____ Vehicles checked for safe equipment.
____ Drivers possess valid state licenses and driving records free of serious accidents or violations.
____ Adequate insurance is in force.
____ Vehicle routes are established.

Camping

____ One counselor provided for every eight campers
____ First aid kit adequately stocked.
____ Emergency telephone numbers determined.
____ Addresses and locations of area doctors and hospitals determined.
____ Camping equipment checked for safety.
____ At least one counselor available on premises with current CPR and first aid training.
____ Campsite inspection and preparation completed.
____ Camp rules reviewed with staff and campers, and posted in conspicuous locations.
____ Emergency procedures reviewed by staff and campers.
____ Staff and campers instructed in fire safety.
____ "Buddy system" explained and made mandatory.

Swimming and Diving

____ Supervisory staff must have current certificate as Water Safety Instructor (WSI) and must possess current CPR and first aid training.

____ Other lifeguards must have at least current Certificate as Senior Lifesaver (SLS) and must have current CPR and first aid training.

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___ All waterfront personnel should have recent lifeguard experience, if possible.
___ One lifeguard for every 25 swimmers.
___ "Buddy system" strictly enforced and checked every 15 minutes.
___ Swimming areas (shallow and deep) clearly marked by ropes or docks.
___ Diving areas clearly marked by ropes. Minimum requirements: Ten feet of water depth with one meter board and four feet of water depth for swimmers diving from rafts or pool and dock edges.
___ "No Swimming" signs clearly posted where appropriate.
___ Lifesaving equipment available and within quick and easy reach. Must have 12 foot blunt-end pole, buoy with attached rope at least 30 feet long, and, where appropriate, a boat.
___ Rules against "horseplay" and dunking explained and clearly posted.
___ Lifeguard's position should at all times provide clear, unobstructed view of all swimmers.
___ When swimmers are in water, lifeguards must be provided, out of the water, at pool's edge, shoreline, or on dock.
___ Participant swimming abilities must be tested.

Boating and Canoeing

___ Participants must be swimmers.
___ All participants must wear Coast Guard approved lifejackets.
___ Only experienced persons may operate motorized watercraft.
___ Boating safety rules must be clearly explained to participants.
___ Lifeguards must stay close enough to boaters to permit quick and easy response to a boating emergency.
___ Off-limits areas must be explained.

Water-Skiing

___ Participants must be swimmers.
___ Participants must wear Coast Guard approved life jackets.
___ Only experienced, mature staff members may operate motorized watercraft.
___ Ropes and skis must be checked after each use.

Miscellaneous

___ Signed parent/guardian authorization form obtained before camper activities scheduled. Form placed on file.
___ Staff member applications obtained, verified and placed on file.
___ Insurance coverages have been verified.

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WINTER SPORTS AREA - CHECKLIST

		Acceptable	Unacceptable
I.	SKATING AREA:		
	1. Ice condition(depth, thawing,etc.)	____	____
	2. Ice surface(holes, cracks, slush.)	____	____
II.	SLED HILL:		
	1. Snow conditions(2"crust .4" of fresh)	____	____
	2. Bare spots	____	____
	3. Large bumps or moguls	____	____
	4. Hazards(limbs, debris, etc.)	____	____
III.	TOBOGGAN CHUTES:		
	1. Snow Maintenance	____	____
	2. Ramps or jumps	____	____
	3. Run-off area(should be smooth)	____	____
	4. Smooth woods(check splinters and loose boards) exposure of nails, etc.)	____	____
	5. Take off areas	____	____
IV.	GENERAL:		
	1. Check wood in warming area	____	____
	2. Check walkways & returns(steps)	____	____
	3. Parking lots(clear or garbage)	____	____
	4. Comfort stations	____	____
	5. Snow fence	____	____
	6. All barriors, signs, (in place)	____	____
	7. Comments		

_____

_____

_____

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Name _____ Date _____

Playground Safety Checklists

Suggested Public Playground Maintenance Checklist

Inspections should be conducted on a frequent, regularly scheduled basis. Following are some of the danger points that should be checked on each tour:

- Visible cracks, bending, warping, rusting, or breakage of any component.
- Deformation of open hooks, shackles, rings, links, etc.
- Worn swing hangers and chains.
- Missing, damaged, or loose swing seats; heavy seats with sharp edges or corners.
- Broken supports/anchors.
- Footings exposed, cracked, loose in ground.
- Accessible sharp edges or points.
- Exposed ends of tubing that should be covered by plugs or caps.
- Protruding bolt ends that do not have smooth finished caps and covers.
- Loose bolts, nuts, etc.
- Splintered, cracked or otherwise deteriorated wood.
- Lack of lubrication on moving parts.
- Worn bearings.
- Broken or missing rails, steps, rungs, seats.
- Surfacing material worn or scattered (in landing pits, etc.).
- Hard surfaces, especially under swings, slides, etc.
- Chipped or peeling paint.
- Vandalism (broken glass, trash, etc.).
- Pinch or crush points (exposed mechanisms, junctures of moving components, e.g., axis of seesaw).
- Tripping hazards such as roots, rocks or other environmental obstacles.
- Poor drainage areas.

Suggested Public Playground Leader's Checklist

- Prepare written guidelines for playground operation, defining goals and procedures.
- Insist on first aid and accident training for playground leaders.
- Provide for constant supervision by establishing a written schedule.
- Instruct children and playground supervisors on how to use equipment. (Playground equipment safety should be taught in the classroom.)
- Conduct daily cleaning and check for broken glass and other litter.
- Do not permit children to use wet or damaged equipment.
- Do not permit too many children on the same piece of equipment at the same time; suggest that children take turns, or direct their attention toward other equipment or activities.
- Constantly observe play patterns to note possible hazards and suggest appropriate equipment or usage changes.
- Make periodic checkups, and request that worn or damaged pieces of equipment be replaced.
- Prepare written accident reports with special attention to surface conditions, type and extent of injury, age and sex of child, how the accident occurred, and weather conditions.

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Suggested Public Playground Planners' and Installers' Checklist

- Separation of equipment for different age groups.
- Placement of swing(s) or swing sets away from other activities or equipment.
- Adequate space for children to exit equipment such as slides or merry-go-rounds.
- Layout designed to promote a safe flow of traffic between areas.
- Fencing or other barriers to separate the playground from adjacent streets.
- Clearly marked "danger" zones (e.g., those areas covered by swinging seats from swing sets and areas in front of sliding boards).
- No equipment installed over hard surfaces such as concrete or asphalt.
- Accessible components of equipment adjacent to sliding surfaces shaped so that a child's clothing cannot be caught as the child uses the slides.
- No component or group of components forming angles or openings that could trap a child's head or any part of a child's body.
- Protective barriers on surfaces which are elevated more than 30 inches from an underlying surface, assuring that the barriers do not create another hazard (i.e., horizontal cross pieces on which children can climb).
- Handgripping components of size and shape to make them easy for a child to grasp.
- Climbing and gripping surfaces which are slip resistant under both wet and dry conditions.
- Explanation signs where needed, e.g., in color coded areas.

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Workshop Notes

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